

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

| | |
|---|-------------------------|
| In re Application of | Atty. Docket |
| WOLFGANG JOHANNES OBERMANN | AT 020039 |
| | Confirmation No. 8325 |
| Serial No. 10/518,262 | Group Art Unit: 3724 |
| Filed: DECEMBER 16, 2004 | Examiner: ALIE, GHASSEM |
| Title: HAIR-CUTTING APPARATUS COMPRISING MEANS FOR PREVENTING CUT HAIR FROM FLYING OFF | |

Mail Stop Appeal Brief-Patents
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF

Sir:

In response to the Examiner's Answers mailed on November 25,
2008, please consider the following remarks:

REMARKS

Appellants maintain the arguments submitted in the Appeal Brief filed on July 11, 2008, which are incorporated herein by reference. Further, Appellant refutes the allegations made in the Examiner's Answer of November 25, 2008. On page 10 of the Examiner's Answer, it is alleged that:

Thicker or rigid hair prevents the cover to contact the skull or get closer to the skull in contract to the thinner hair. Therefore, the cover controls the amount and the length of the hair positioned adjacent the hair clipper head and cooperates with the cutting head to cut the hair to be cut dependent on the thickness or nature and condition of the hair.

Appellant respectfully disagrees and submits that Severson (U.S. Patent 1,506,139) specifically recites on page 3, lines 12-17 (and similarly recites on page 3, lines 22-30):

means permitting pivotal movement of the hood member whereby the end thereof is maintained, at all times, at a distance from the cutting means substantially equal to the length of the cut being made. (Emphasis added)

Thus, the end of the hood 37, at all times, is away from the cutting means by the same distance, namely, the length of the hair,

irrelevant of any other features of the hair, such as density, thickness and stiffness of the hair. Thus, so long as the hair length is the same, than the Severson hood 37 remains at the same location irrelevant of another feature of the hair being cut, such as density, thickness and stiffness of the hair.

It is respectfully submitted that Severson, as well as Zucker (U.S. Patent 3,302,286) and Marchetti (US Patent 4,047,427), alone or in combination do not teach or suggest the present invention as recited in independent claim 1 which, amongst other patentable features, recites (illustrative emphasis provided):

the movable portion being arranged and positioned to cooperate with the hair to be cut dependent on the nature and condition of the hair.

A movable portion arranged and positioned to cooperate with the hair to be cut dependent on two features of the hair being cut, namely, nature and condition of the hair, is nowhere disclosed or suggested in Severson. Rather, at best, Severson discloses hood 37 that moves based on one feature of the hair being cut, namely, the length.

Accordingly, it is respectfully submitted that independent

claim 1 should be allowable. In additions, claims 2-6 and 21 should be allowable at least based on their dependence from independent claim 1.

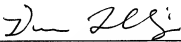
In addition, Appellant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

CONCLUSION

Claims 1-6 and 21 are patentable over Severson, Zucker and Marchetti.

Thus, the Examiner's rejections of claims 1-6 and 21 should be reversed.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
January 21, 2009

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101